

United States District Court
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA	§	
	§	
vs.	§	Case No. 4:08cr132
	§	(Judge Schell)
JACKIE LEE PRICE	§	

REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on September 23, 2009, to determine whether Defendant violated her supervised release. Defendant was represented by Robert Arrambide. The Government was represented by Charles Roy.

On July 1, 1993, Defendant was sentenced by the Honorable Thomas R. Brett to forty-one (41) months' custody followed by three (3) years of supervised release on Counts 1, 2, and 3, and five (5) years of supervised release on Counts 4, 5, and 6, to run concurrently, for the offenses of Fraudulent Use of a Social Security Number, Bank Fraud, and Aiding and Abetting. On June 3, 2005, Defendant completed her period of imprisonment and began service of her supervised term. On May 31, 2006, defendant's supervised release was modified to include use of a single checking account, no new credit, and financial disclosure of business and personal records. On January 16, 2008, defendant's supervised release was modified to include home confinement with electronic monitoring. On July 1, 2008, this case was transferred to the Eastern District of Texas, Sherman Division, and assigned to United States District Judge Richard A. Schell.

On July 22, 2008, the U.S. Pretrial Services Officer filed a Petition for Warrant for Offender Under Supervision. The petition asserted that Defendant violated the following mandatory

condition: (1) the defendant shall not commit another federal, state, or local crime. The petition also alleged violation of the following standard conditions: (1) the defendant shall report to the probation officer as directed by the court or probation officer, and shall submit a truthful and complete written report within the first five days of each month; and (2) the defendant shall notify the probation officer within seventy-two hours of any change in residence or employment. The petition also alleged violations of the following special conditions: (1) the defendant shall not incur new credit charges or open additional lines of credit without the approval of the probation officer unless payment of any financial obligation ordered by the court has been made in full; and (2) the defendant shall be placed on home detention with electronic monitoring. The Government moved to withdraw the alleged violation of the mandatory condition after reaching an agreement on a recommended sentence.

The petition alleges that Defendant committed the following acts with regard to the standard and special conditions: (1) defendant failed to report in person to the U.S. Probation Officer on March 12, 2008, as instructed; (2) defendant failed to submit a written monthly report for February, March, April, May, and June 2008; (3) defendant failed to notify the U.S. Probation Office prior to her change in residence which occurred on February 18, 2008; (4) defendant absconded from supervision, and her whereabouts were unknown; (5) without permission of the U.S. Probation Office, defendant opened three lines of credit, via credit card accounts, during the months of December 2005, March 2006, and February 2007, at Capital One, HSBC NV, and Chase Bank; and (6) on February 18, 2008, defendant failed to return to her residence following an approved absence, and defendant absconded from home detention with electronic monitoring.

Prior to the Government putting on its case, Defendant entered a plea of true to the violations of the standard and special conditions. The Court recommends that Defendant's supervised release

be revoked.

RECOMMENDATION

The Court recommends that the District Judge revoke Defendant's supervised release. The Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of twenty-four (24) months followed by a term of supervised release of thirty-six (36) months. The Court recommends that the Defendant be sent to the FMC Carswell.

It is further recommended that defendant pay restitution in the amount of \$15,000, as ordered in Northern District of Oklahoma case number 93-CR-030-B. The fine is due immediately, payable by cashier's check or money order, to the United States District Court and forwarded to the United States District Clerk's Office, P.O. Box 570, Tyler, Texas 75710.

After the Court announced the recommended sentence, Defendant executed the consent to revocation of supervised release and waiver of right to be present and speak at sentencing. Defendant and the Government also waived their right to file objections.

SIGNED this 28th day of September, 2009.



AMOS L. MAZZANT
UNITED STATES MAGISTRATE JUDGE